

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RANDY POLLOCK,

Plaintiff,

v.

Civil Action 2:11-cv-00114

Judge Algenon L. Marbley

Magistrate Judge E. A. Preston Deavers

**SHERIFF GEORGE LAVENDER, JR.,
et al.,**

Defendants.

ORDER

This matter is before the Court for consideration of the May 31, 2011 Report and Recommendation of the Magistrate Judge. (ECF No. 101.) Pursuant to an initial screen, the Magistrate Judge allowed Plaintiff to proceed on his deliberate indifference and excessive force claims; his condition of confinement claims relating to medical treatment, recreation, environmental temperatures, inadequate clothing, cleanliness of facilities, and hygiene; his due process claim relating to the administration of booking fees; and his free exercise of religion claim under the First Amendment. The Magistrate Judge then recommended that the Court dismiss the remainder of Plaintiff's claims.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report & Recommendation 13, ECF No. 5.) The

time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this matter was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **DISMISSES** the claims, outlined in the May 31, 2011 Report and Recommendation, upon which the Magistrate Judge did not permit Plaintiff to proceed. To the extent it has not already done so, the United States Marshal is **DIRECTED** to serve Defendants as instructed in the Report and Recommendation. Defendants are, in turn, **ORDERED** to answer or otherwise respond to the Complaint within forty-five (45) days after being served.

IT IS SO ORDERED.

s/Algenon L. Marbley

ALGENON L. MARBLEY

UNITED STATES DISTRICT COURT

DATED: July 6, 2011